



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

August 27, 2003

### Ordinance

**Proposed No.** 2003-0337.1

**Sponsors** Hague and Phillips

1 AN ORDINANCE related to natural resources; revising the  
2 transfer of development rights (TDR) program; amending  
3 Ordinance 13733, Section 8, as amended, and K.C.C.  
4 21A.37.100, Ordinance 13733, Section 10, as amended,  
5 and K.C.C. 21A.37.110, Ordinance 13733, Section 11, as  
6 amended, and K.C.C. 21A.37.120, Ordinance 13733,  
7 Section 15, as amended, and K.C.C. 21A.37.160.

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10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
12 are each hereby amended to read as follows:

13 **Transfer of development rights (TDR) bank -- purpose.** The purpose of the  
14 TDR bank is to assist in the implementation of the transfer of development rights (TDR)  
15 program by purchasing and selling development rights and purchasing conservation  
16 easements. The TDR bank may ~~((purchase))~~ acquire development rights and  
17 conservation easements only from sending sites located in the rural area or in an

18 agricultural or forest production district as designated in the King County Comprehensive  
19 Plan. Development rights purchased from the TDR bank may only be used for receiving  
20 sites in cities or in the urban unincorporated area as designated in the King County  
21 Comprehensive Plan.

22 SECTION 2. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110  
23 are each hereby amended to read as follows:

24 **Transfer of development rights (TDR) bank expenditure and purchase**  
25 **authorization.**

26 A. The TDR bank may purchase development rights from qualified sending sites  
27 at prices not to exceed fair market value and to sell development rights at prices not less  
28 than fair market value. The TDR bank may accept donations of development rights from  
29 qualified TDR sending sites.

30 B. The TDR bank may purchase a conservation easement only if the property  
31 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
32 certificate letter of intent, the conservation easement restricts development of the sending  
33 site in the manner required by K.C.C. 21A.37.060 and the development rights generated  
34 by encumbering the sending site with the conservation easement are issued to the TDR  
35 bank at no additional cost.

36 C. If a conservation easement is acquired through a county park, open space,  
37 trail, agricultural, forestry, or other natural resource acquisition program for a property  
38 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,  
39 any development rights generated by encumbering the sending site with the conservation

easement may be issued to the TDR bank so long as there is no additional cost for the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

~~((C.))~~ E. The TDR bank fund shall not be used to cover the cost of identifying and qualifying sending and receiving sites, or the costs of providing staff support for the TDR interagency review committee the department of natural resources and parks.

SECTION 3. Ordinance 13733, Section 11, as amended, and K.C.C. 21A.37.120 are each hereby amended to read as follows:

**Transfer of development rights (TDR) program - administration of TDR bank.**

A. The department of natural resources and parks, water and land resources division, or its successor, shall administer the TDR bank fund and execute purchases ~~((and sales))~~ of development rights and conservation easements and sales of development rights in a timely manner consistent with policy set by the TDR executive board. These responsibilities include, but are not limited to:

1. Managing the TDR bank fund;
2. Authorizing and monitoring expenditures;

62                   3. Keeping records of the dates, amounts and locations of development rights  
63 purchases and sales, and conservation easement purchases;

64                   4. Executing development rights purchases, sales and conservation easements;  
65 and

66                   5. Providing periodic summary reports of TDR bank activity for TDR executive  
67 board consideration.

68                   B. The department of natural resources and parks, water and land resources  
69 division, or its successor, in executing purchase and sale agreements for acquisition of  
70 development rights and conservation easements shall ensure sufficient values are being  
71 obtained and that all transactions, conservation easements or fee simple acquisitions are  
72 consistent with public land acquisition guidelines.

73                   SECTION 4. Ordinance 13733, Section 15, as amended, and K.C.C. 21A.37.160  
74 are each hereby amended to read as follows:

75                   **Transfer of development rights (TDR) program - establishment and duties of**  
76 **the TDR executive board.**

77                   A. The TDR executive board is hereby established. The TDR executive board  
78 shall be composed of the director of the budget office, the director of the department of  
79 natural resources and parks, the director of the department of transportation((;)) and the  
80 director of finance ((and the director of the office of business relations and economic  
81 development)), or their designees. A representative from the King County council staff,  
82 designated by the council chair, may participate as an ex officio, nonvoting member of  
83 the TDR executive board. The TDR executive board shall be chaired by the director of  
84 the department of natural resources and parks or that director's designee.

85           B. The issues that may be addressed by the executive board include, but are not  
86           limited to, using site evaluation criteria established by administrative rules, ranking and  
87           selecting sending sites to be purchased by the TDR bank, recommending interlocal  
88           agreements and the provision of TDR amenities, if any, to be forwarded to the executive,  
89           identifying future funding for amenities in the annual budget process, enter into other  
90           written agreements necessary to facilitate density transfers by the TDR bank and  
91           otherwise oversee the operation of the TDR bank to measure the effectiveness in  
92           achieving the policy goals of the TDR program.

93           C. The department of natural resources and parks shall provide lead staff support  
94           to the TDR executive board. Staff duties include, but are not limited to:

95                 1. Making recommendations to the TDR executive board on TDR program and  
96           TDR bank issues on which the TDR executive board must take action;

97                 2. Facilitating development rights transfers through marketing and outreach to  
98           the public, community organizations, developers and cities;

99                 3. Identifying potential receiving sites;

100                4. Developing proposed interlocal agreements with cities;

101                5. Assisting in the implementation of TDR executive board policy in  
102           cooperation with other departments;

103                6. Ranking certified sending sites for consideration by the TDR executive  
104           board;

105                7. Negotiating with cities to establish city receiving areas with the provision of  
106           amenities;

107                8. Preparing agendas for TDR executive board meetings;

**Ordinance**

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- 108                9. Recording TDR executive board meeting summaries; and
- 109                10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to
- 110 implement this chapter; and
- 111                11. Preparing annual reports on the progress of the TDR program to the council
- 112 with assistance from other departments.
- 113

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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**Attachments**        None

